

LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahcoc.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
FAUSTINO A. LICHAUCO
DAVID A. LANE, JR.
JEANNE M. DIGIORGIO
DEBRA J. MILASINCIC, Ph.D.
NICHOLAS P. TRIANO, III

TIMOTHY J. DOUROS
WILLIAM D. DeVAUL

SENIOR COUNSEL
W. HUGO LIEPMANN
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
PETER C. LAURO *
JOHN L. WELCH
DeANN FORAN SMITH**

* Admitted in NY only
** Admitted in MI only

PATENT AGENTS
CATHERINE J. KARA, Ph.D.
CHI SUK KIM
MEGAN E. WILLIAMS, Ph.D.
REZA MOLLAAGHABABA, Ph.D.
DAVID J. RIKKERS

TECHNICAL SPECIALISTS
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
JENNIFER L. ELLIOTT, Ph.D.
LAUREN C. FOSTER, D.Sc.
EUIHOON LEE
ERICK B. BERGLUND, Ph.D.

SECTOR \$ #3

October 7, 1999

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231



Re: U.S. Patent Application Serial No. 09/251,570
Title: *METHODS AND COMPOSITIONS FOR TREATING
MACROPHAGE-MEDIATED DISEASES*
Applicant: Jan G. J. van de Winkel
Attorney Docket No.: MXI-101

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice To File Missing Parts of Application;
3. An Executed Declaration, Petition and Power of Attorney;
4. A Verified Statement Claiming Small Entity Status;
5. Copy of Form PTO-1533; and
6. A check in the amount of \$710.00 (Missing Parts and Surcharge).

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, DC 20231 on:

October 7, 1999
Date

Jane E. Remillard, Reg. No. 38,872

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Jane E. Remillard, Esquire
Reg. No. 38,872

JER:jjv
Enclosures

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: J.G.J. van de Winkel

Serial No.: 09/251,570

Filed: February 17, 1999

For: *METHODS AND COMPOSITIONS FOR
TREATING MACROPHAGE-MEDIATED DISEASES*

Attorney Docket No.: MXI-101

Group Art Unit: 1615

Examiner: Not Assigned



Assistant Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

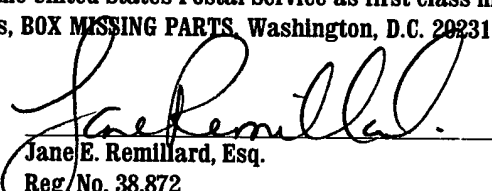
Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, D.C. 20231 on the date set forth below.

October 7, 1999

Date of Signature and of Mail Deposit

By:


Jane E. Remillard, Esq.
Reg. No. 38,872
Attorney for Applicant

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

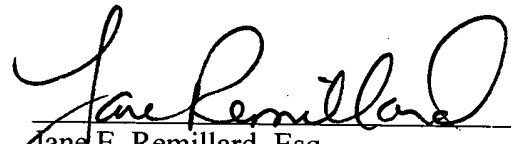
Dear Sir:

Responsive to the Notice to File Missing Parts of Application dated September 24, 1999, Applicant's attorney submits herewith the executed Declaration, Petition and Power of Attorney for the above-identified patent application. A check in the amount of \$710.00 is enclosed to cover the total amount owed by Applicant including \$65.00 surcharge, \$380.00 basic filing fee, \$135.00 additional claims fee, and \$130.00 multiple dependent claims fee, based on small entity status. A Verified Statement Claiming Small Entity Status is being filed concurrently herewith. A copy of Form PTO-1533 is also enclosed.

The Commissioner is hereby authorized to charge payment of any fees under 37 C.F.R. 1.16 and 1.17 during the pendency of this application or credit any overpayment to Deposit Account No. 12-0080.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

Respectfully submitted,


Jane E. Remillard, Esq.
Registration No. 38,872
Attorney for Applicants

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: October 7, 1999

Applicant or Patentee: J. G. J. van de Winkel Attorney's
Serial or Patent No.: 09/251,570 Docket No.: MXI-101
Filed or Issued: February 17, 1999
Title: METHODS AND COMPOSITIONS FOR TREATING
MACROPHAGE-MEDIATED DISEASES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Medarex, Inc.
ADDRESS OF SMALL BUSINESS CONCERN P.O. Box 953
1545 Route 22 East
Annandale, NJ 08801-0953

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Michael A. Appelbaum
TITLE OF PERSON OTHER THAN OWNER Exec. V.P. & CFO
ADDRESS OF PERSON SIGNING P.O. Box 953, 1545 Route 22E, Annandale, NJ 08801
SIGNATURE Michael A. Appelbaum DATE June 12, 1999



#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

09/27/1999 14:00:00

 RECEIVED
 EXAMINER'S OFFICE
 235 STATE STREET
 BOSTON, MA 02109


DATE MAILED:

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 890.00.

- ☒ 1. The statutory basic filing fee is:

☐ missing.
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. The oath or declaration:

☐ is missing or unexecuted.

☐ does not cover the newly submitted items.

☐ does not identify the application to which it applies.

☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☒ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
 See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

T. Johnson for Monique Brunst

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

00000471 09251570

10/14/1999 CCEIIN

 380.00 BP
 65.00 BP
 135.00 BP
 130.00 BP

 01 FC:201
 02 FC:205
 03 FC:203
 04 FC:204